

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

TODAY'S GROWTH CONSULTANT, INC.
(dba THE INCOME STORE)

and

KENNETH D. COURTRIGHT, III,

Defendants.

Civil Action No. 1:19-cv-08454
(filed in the United States District Court,
Northern District of Illinois)

MELANIE E. DAMIAN, AS RECEIVER OF
TODAY'S GROWTH CONSULTANT, INC.
(dba THE INCOME STORE),

Plaintiff,

v.

CONKLIN WEB PROPERTIES, LLC, d/b/a
CONKLIN MEDIA, CONKLIN MEDIA LLC,
CONKLIN & COURTRIGHT LLC, PROSPECT
MX, LLC, DAVE CONKLIN, JODI CONKLIN,
EMILY LASKO, and HALEY HIRTHLER

Defendants.

ANCILLARY CASE NO.

Civil Action No. 5:20-cv-006297 (JMG)

ORDER

AND NOW, this _____ day of _____, 2021, upon consideration of the Motion to Dismiss of Defendants Conklin Web Properties LLC, Conklin Media LLC, Conklin & Courtright, and Dave Conklin, and any opposition thereto, IT IS HEREBY ORDERED that said motion is GRANTED and Plaintiff's Complaint against Defendants Conklin Web Properties LLC, Conklin Media LLC, Conklin & Courtright, and Dave Conklin is DISMISSED WITH PREJUDICE.

BY THE COURT:

Honorable John M. Gallagher

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

TODAY'S GROWTH CONSULTANT, INC.
(dba THE INCOME STORE)

and

KENNETH D. COURTRIGHT, III,

Defendants.

Civil Action No. 1:19-cv-08454
(filed in the United States District Court,
Northern District of Illinois)

MELANIE E. DAMIAN, AS RECEIVER OF
TODAY'S GROWTH CONSULTANT, INC.
(dba THE INCOME STORE),

Plaintiff,

v.

CONKLIN WEB PROPERTIES, LLC, d/b/a
CONKLIN MEDIA, CONKLIN MEDIA LLC,
CONKLIN & COURTRIGHT LLC, PROSPECT
MX, LLC, DAVE CONKLIN, JODI CONKLIN,
EMILY LASKO, and HALEY HIRTHLER

Defendants.

ANCILLARY CASE NO.

Civil Action No. 5:20-cv-006297 (JMG)

**DEFENDANTS CONKLIN WEB PROPERTIES LLC,
CONKLIN MEDIA LLC, CONKLIN & COURTRIGHT, LLC
AND DAVE CONKLIN'S
MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendants Conklin Web Properties LLC, Conklin Media LLC, Conklin & Courtright, LLC, and Dave Conklin respectfully move this Honorable the Court for an order dismissing, with prejudice, the Complaint filed by Plaintiff, Melanie E. Damian, as Receiver of Today's Growth Consultant,

Inc. (dba The Income Store) for failure to state a claim upon which relief can be granted. The grounds for this Motion are more fully set forth in the attached Memorandum in Support. A proposed Order is attached for the Court's consideration.

The undersigned hereby certifies that counsel for the parties met and conferred on March 5, 2021, via telephone, concerning the alleged pleading deficiencies identified in the Motion, which included substantive verbal discussion regarding the issues in dispute. The parties were unable to resolve the dispute during that conference.

BARLEY SNYDER

By: /s/ Matthew M. Hennesy

Matthew M. Hennesy, Esquire
Court I.D. No. 307020
mhennesy@barley.com
Luke T. Weber, Esquire
Court I.D. No. 311796
lweber@barley.com
126 East King Street
Lancaster, PA 17602
Telephone: 717-299-5201

*Counsel for Defendants Conklin Web
Properties LLC, Conklin Media, LLC, Conklin
& Courtright LLC, Dave Conklin, Jodi
Conklin, Emily Lasko and Haley Hirthler*

CERTIFICATE OF SERVICE

The foregoing document has also been filed electronically and is available for viewing and downloading on the ECF System.

Stephen D. Goldblum, Esq.
SEMANOFF ORMSBY GREENBERG & TORCHIA,
LLC
2617 Huntingdon Pike
Huntingdon Valley, PA 19006

Kenneth Dante Murena, Esq.
kmurena@dvllp.com
Christine M. Dimitriou, Esq.
cdimitriou@dvllp.com
Damian & Valori LLP
1000 Brickell Avenue, Suite 1020
Miami, FL 33131

BARLEY SNYDER

Dated: March 12, 2021

By: /s/ Matthew M. Hennesy, Esquire
Matthew M. Hennesy, Esquire
Court I.D. No. 307020
Luke T. Weber, Esquire
Court I.D. No. 311796
126 East King Street
Lancaster, PA 17602
717-299-5201
Fax: 717-291-4660
mhennesy@barley.com

*Attorneys for Defendants Conklin Web
Properties LLC, Conklin Media, LLC, Conklin
& Courtright LLC, Dave Conklin, Jodi
Conklin, Emily Lasko and Haley Hirthler*